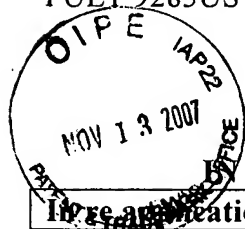


PATENT



## BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Terry Pullaro	
Serial No.: 10/810,347	Art Group No.: 3711
Filed: March 26, 2004	Examiner: Alvin A. Hunter
For: SPORTS TRAINING AND CONDITIONING DEVICE	

St. Louis, Missouri

Date: November 7, 2007

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF APPELLANT'S REPLY TO THE NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (PATENT APPLICATION 37 CFR 41.37)**

1. Transmitted herewith is Appellant's Reply to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37)

**2. STATUS OF APPLICANT**

This application is on behalf of:

- ☐ other than a small entity  
☒ small entity

Small entity status:

- ☒ is claimed.  
☐ is NOT claimed.

**3. FEE DEFICIENCY**

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account 162201. *Duplicate copies of this sheet are enclosed.*

Brian J. Gill, Reg. No.: 46,727  
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**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 7, 2007.

Dawn M. Carlton

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Appl. No.	:	10/810,347
Applicant	:	Terry Pullaro
Filed	:	March 26, 2004
Title	:	SPORTS TRAINING AND CONDITIONING DEVICE
TC/A.U.	:	3711
Examiner	:	Alvin A. Hunter
Conf. No.	:	8229
Docket No.	:	PULT 9283US

Mail Stop Appeal Brief - Patents  
Assistant Commissioner of Patents  
Alexandria, VA 22313-1450

**APPELLANT'S REPLY TO THE NOTIFICATION OF NON-COMPLIANT  
APPEAL BRIEF (37 CFR 41.37)**

In response to the Notification of Non-Compliant Appeal Brief and the November 6, 2007 telephone discussion with the Patent Appeal Center, the Applicant submits the following amendments to the Appeal Brief.

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on November 7, 2007.

Dawn M. Carlton  
Dawn M. Carlton

*On Page 1 of the Appeal Brief please replace the listing of headings with the following amended listing of headings:*

This brief contains these items under the following headings and in the order set forth below (37 CFR 1.192(c)):

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF INVENTION
- VI. ISSUES
- VII. GROUPING OF CLAIMS
- VIII. ARGUMENTS
- IX. APPENDIX OF CLAIMS INVOLVED IN THE APPEAL
- X. ~~OTHER MATERIALS THAT APPELLANT CONSIDERS~~  
~~NECESSARY OR DESIRABLE~~ EVIDENCE APPENDIX
- XI. RELATED PROCEEDINGS APPENDIX

*On Page 13 of the Appeal Brief please replace the last heading with the following amended heading and section and please add the additional heading and section:*

X. ~~OTHER MATERIALS THAT APPELLANT CONSIDERS~~  
~~NECESSARY OR DESIRABLE~~ EVIDENCE APPENDIX

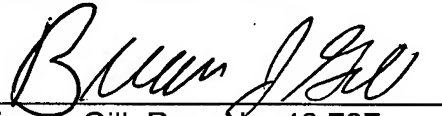
U.S.P.T.O MEMORANDUM dated May 3, 2007.

XI. RELATED PROCEEDINGS APPENDIX

None

Respectfully submitted,

Date: November 7, 2007

A handwritten signature in black ink, appearing to read "Brian J. Gill", written over a horizontal line.

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